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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,980	07/11/2003	Lieven Leopold Albertine Trappeniers	Q76440	2865

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Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10616980	7/11/03	TRAPPENIERS ET AL.	Q76440

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Commissioner for Patents

The Reply Brief received on August 1, 2008 is hereby noted and will be forwarded to BPAI.

The applicant argues that Spell's learning or predictive system only pertains to information on data streams and further argues that the fact that such information is described as being for a given user does not make it "aggregated user behavior information as required by claim 1. The appellant then uses Spells claims to rationalize his arguments stating that the claims state nothing whatsoever with respect to a user.
In response, Spell may only have claimed identifying characteristics of a stream, however the disclosure of Spell discusses other embodiments and implementations. Just because Spell does not claim certain aspects of the system does not necessarily mean that it is not taught. Spell was claiming only one embodiment or implementation of the claimed system and not others that were clearly disclosed. Spell discloses that in some implementations, in addition to (or in place of) using classifications of data streams as to type of data, other information useful in predicting future bandwidth requirements for a data stream are employed (such as knowledge, for a given user, that a particular type of data stream occurring during a certain time period is likely to be relatively long or relatively short). The present system is preferably a heuristics-bases system and, in one embodiment, such additional predictive information is developed and used by a self-learning or artificial intelligence system. This knowledge for a given user is equated to the claimed aggregated user behavior information and is used in predicting future bandwidth requirements (col. 4, lines 7-13 and col. 11, lines 10-30). The overall system of Spell teaches wherein the system makes allocation decisions based on statistics and user parameters collected on a user and further based on inputs received from a user. for example, when the user specifies to the system that e-mail messages are to receive top priority regardless of cost Therefore, the system of Spell et al., taking into consideration actual usages of the user as well as user input (which is recorded at the client terminal) to make the overall bandwidth allocation decision meets the scope of the claimed limitation.

/saleh najjar/
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